

**PROTECTIVE FACTORS IN INCARCERATED  
MALE JUVENILE DELINQUENTS**

**ONG MAY EE**

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# **FAKTOR-FAKTOR PELINDUNG DALAM KALANGAN TAHANAN JUVANA LELAKI DELINKUENSI**

## **ABSTRAK**

Kajian ini adalah bertujuan untuk mengenal pasti faktor-faktor pelindung sahsiah waja diri terhadap tahanan juvana lelaki delinkuensi. Kajian kualitatif fenomenologi ini melibatkan seorang peserta resilien dan tiga peserta tidak resilien dari sebuah pusat pemulihan akhlak serta dua orang bekas juvana yang tidak lagi melibatkan diri di dalam kegiatan jenayah. Kajian ini berjaya memahami pengalaman peserta mengenai keluarga, sekolah dan masyarakat, risiko peserta dalam kehidupan mereka, cara-cara peserta mengatasi risiko kehidupan serta pemahaman mengenai kesihatan mental, fizikal, emosi dan rohani melalui kaedah temu bual semi-berstruktur. Daripada hasil temu bual, mendapati faktor-faktor pelindung sahsiah waja diri daripada domain keluarga, sekolah, individu dan luaran membantu melahirkan sifat-sifat positif yang membolehkan peserta mengharungi stigma juvana. Selain itu, kajian ini turut mendapati kemahiran adaptasi seperti kemahiran penyesuaian diri, kemahiran untuk menyelesaikan masalah secara rasional, kemahiran untuk mengawal emosi, kemahiran untuk membentuk hubungan rapat dengan orang lain, kerohanian dan kemahiran untuk menguruskan perkara asas dalam kehidupan merupakan faktor-faktor pelindung sahsiah waja diri. Kajian ini juga mendapati sekolah dapat meningkatkan sahsiah waja diri pada diri murid melalui hubungan positif dengan guru serta penawaran pelbagai peluang penglibatan bukan akademik. Keputusan kajian dapat membantu kaunselor keluarga, kaunselor sekolah, pendidik dan pembuat dasar untuk memupuk and menanam sikap serta ciri positif untuk mencegah delinkuensi.

# **PROTECTIVE FACTORS IN INCARCERATED MALE JUVENILE DELINQUENTS**

## **ABSTRACT**

This research aimed to identify the protective factors in incarcerated male juvenile delinquents. It is a phenomenological qualitative research involving one resilient participant and three non-resilient participants from a probation hostel as well as two ex-juvenile delinquents who had successfully broken out of the vicious cycle of crime. Participants' experiences of family, school and community, the risk they identified in their lives and how they managed them, their understanding of health and ways of staying healthy mentally, physically, emotionally and spiritually were obtained through one-to-one semi-structured interview. From the narratives of the participants, first, this research noted that protective factors from family, school, individual and external domains played their parts in the development of positive attributes that enabled participants to overcome the stigma of juvenile delinquents in society positively. Second, the development of resiliency in an individual arises from normal, human adaptational systems such as adaptative coping skills, the ability to rationally solve problems, the capacity to regulate emotion, the ability to form close, supportive ties with others, having an internalized spirituality and ability to manage matters of fundamental importance to their life. Third, school helped to promote resilience in pupils through positive relationships with teachers who offered support and guidance. Also, school helped to promote resilience in pupils by offering multiple avenues for non academic involvement to encourage positive character development. These findings can help Malaysian family counsellors, school counsellors, educators and policymakers to

promote and develop positive characteristics, attitudes and behaviours to prevent delinquency.

## **CHAPTER 1**

### **INTRODUCTION**

#### **1.1 Introduction**

The newly emerging literatures on human resilience define by Masten, Best, and Garmezy (1990, p. 426) as ‘the process of, capacity for, or outcome of successful adaptation despite challenging or threatening circumstances’ seek to identify the positive factors in adolescents’ lives that help them cope with the new developmental tasks required of them by society. Instead of focusing on individual deficit, this new approach focused on individual and community strengths. Also, this new approach focused on those who had not succumbed rather than those who were casualties of negative factors.

From this perspective, problems with adolescents are not so much located within boisterous, impulsive, carefree, moody teenagers but within the social structures, in which they live, work and play (Garmezy, 1985; Werner & Smith, 1982). This perspective is congruent with ecological systems theory (Bronfenbrenner, 1979) which views the individual as developing within a complex system of relationships affected by multiple levels of the surrounding environment. From this broader perspective, the environment is seen as a series of nested structures or systems. These nested structures are the source of assistance in making the transitions of adolescence (National Crime Prevention, 1999). These forms of assistance are frequently called protective factors in literature. Identifying these forms of assistance and how they may prevent adverse life outcomes in incarcerated juvenile delinquents will be the aim of this study.

## **1.2 Background of Study**

Juvenile delinquencies have been on the rise recently as evidenced by the crime indices measured by Malaysian Royal Police (2014). It dominates discussion at various levels and raises concern among the public; generally, and law enforcement officers; specifically. For almost six decades, the Malaysian government has been working hard to put the country at a well-established position economically, socially and politically. However, rise in the juvenile delinquencies is an issue that must not be neglected, as this will affect the sustenance of the future generation that is supposed to lead the country.

At the initial stage this delinquency is in the form of abuse of school rules such as truancy, smoking and vandalism. The absence of effective measures to curb and overcome this problem is a catalyst to more serious criminal misconduct such as bullying, injury to others, rape, theft, murder, cheating, extortion, gangsterism and even abduction (Akram, 2007).

A majority of these juvenile delinquents come from poor family (Akram, 2007). Poverty is associated with inadequate access to health care, education, social infrastructure, marginalization, exclusion, degradation, stigmatization, hopelessness and misery (Chireshe, 2010). In short, poor people are no strangers to suffering. Juvenile delinquents are also associated with other risk factors like reared by parents with little education or serious mental health problems (Werner & Smith, 1982), child maltreatment, loss of home, illness, incarceration, death in a parent or sibling, interparental conflict and divorce and many other potentially serious adversities (Howard & Johnson, 2000). According to findings, a juvenile delinquent will have three or more risk factors (Green et al., 2008).



Juvenile delinquency has often been found to be associated with high levels of depression, hopelessness, anxiety and posttraumatic stress (Ruchkin et al., 2002; Steiner et al., 1997). Many become permanently withdrawn or angry, hiding from the society or lashing out at it (Hauser, Golden, & Allen, 2005). However, a handful of these adolescents develop into competent and autonomous young adults who ‘worked well, played well, loved well and expected well’ (Garmezy, 1985, p. 28). When these adolescents who, against expectations, survived adverse events (Werner & Smith, 1992), one can’t help wondering; how did they do it? What are their protective factors that enable them to bounce back from adversity and help them to thrive?

By identifying the range and operation of significant protective factors and processes in the lives of juvenile delinquents, this research is hopeful to provide the knowledge base for new preventive interventions that specifically aim to strengthen these factors and create a more supportive, friendly and inclusive environment for children, young people and families that promotes healthy, prosocial environment.

### **1.3 Problem Statement**

The nation has long been plagued by juvenile delinquency (Akram, 2007). In Penang, the numbers of cases per year from 2011 to 2012 are 201 and 330 respectively (Department of Statistics, 2014). Hence, according to this crime statistics involving juvenile offenders in Penang, there was an alarming increase of 64%. As such there is an urgent need to study the juvenile delinquents in Penang to identify the underlying protective factors as knowledge base to assist those who are working with children at risk, such as school counsellors, educators, policymakers and family counselors to promote and develop positive characteristics, attitudes and behaviours that can prevent such delinquency.

Students from Form One to Form Three have been identified as the biggest contributors to juvenile crime, according to a research by the Malaysian Crime Prevention Foundation (Malaysian Crime Prevention Foundation, 2014). Although much has been said and debated, the issue has not received its due attention. While there is a growing research and literature on resilience in trouble youths or incarcerated juvenile delinquents in Anglo-American society, little is known about Malaysian society; generally and Penang society; specifically. Hence, this research hopes to fill up this knowledge gap.

For example, in Anglo-American society, numerous researches were conducted to understand the interplay between risk and protective factors within the significant social systems in high-risk adolescents' life (Brooks, 1994; Fergusson & Horwood, 2002; Werner & Smith, 1992). The primary interest of these studies was to identify the variables or positive aspects that enabled some not merely to survive but thrive under conditions of seeming adversity. Unfortunately, firstly, a large majority of these studies explored the positive prospects or protective factors for 'adolescent at-risk', a term used to describe a segment of the population that under current condition has a low probability of growing into high-functioning and responsible adults. Studies on protective factors for juvenile delinquents are still very scarce. Secondly, as mentioned earlier, these studies were conducted abroad. Researches conducted in Malaysia on juvenile delinquency were mainly from the perspective of risk factor paradigm (Ahmad, 2013; Hussin, 2005; Razak et al., 2011). Thirdly, to what extent and under what circumstances can protective factors from these 'adolescent at-risk' be transplanted into the lives of Malaysian juvenile delinquents? As such, this research is hopeful to identify the protective factors, nurturing factors in

the lives of Penang male juvenile delinquents who would otherwise be expected to be characterized by a variety of adverse outcomes (Sameroff, 1989).

According to the statistics from Social Welfare Department, the involvement of male juvenile in criminal cases is far higher than that of female. For example, Table 1.0 represents a collation of data on young offenders found guilty of crime according to gender.

With this alarming statistics, studies on male juvenile delinquents have become critical in order to adequately address intervention programs that are resilience orientated for this subset of population.

During a recent visit to Balik Pulau, Penang, the researcher met Beng (not his real name), 44, currently married with two kids and is now earning his living as a farmer. When he was 16, he was recruited by a gang. Within months, he was peddling drugs at nightspots and rose up the ranks very fast. He was also involved in fights. He was detained once when he was caught fighting in the street. He served a few months in jail for fighting. Thereafter he decided to leave his life of crime and left abroad to work as kitchen helper. The researcher was impressed at his effort and decision to walk away as he did then or else he would have “progressed” to heavier crimes and probably end up for years in jail by now. His brief sharing struck a chord in the researcher’s mind as “how” did he manage to live a normal life now? Thus, Beng’s positive adaptation had motivated the researcher to embark in this exploratory journey to explore the hidden secrets required to live life normally and the ‘magical’ resources needed to overcome the societal stigma of delinquency.

Table 1.0

*Children Found Guilty According to Gender*

Year	Total population in age group 10-19 years	Male offenders	Female offenders	Total
2002	5,010,600	5181	138	5319
2003	5,067,900	4819	179	4998
2004	5,119,600	5676	380	6056
2005	5,169,900	6687	514	7201
2006	5,232,000	5432	523	5955
2007	5,292,800	6090	673	6763

Source: Statistic, Social Welfare Department, 2014

Still being intrigued by Beng's ability to overcome the stigma of delinquent, the researcher came upon the work of Rutter, Maughan, Mortimore, and Ouston (1979) sharing their successful stories about children in discordant and disadvantaged homes demonstrating resilient characteristics when they attend schools that have good academic records and attentive, caring teachers.

Academic failure may increase risks of delinquency and drug abuse (Brook-Gunn & Furstenberg, 1989). It is interesting to note that the opposite is also true. Positive school experiences provide greater commitment and enjoyment to the children. These positive school experiences include success in non-academic pursuits such as sports, music and art. In addition, having positive relationship, for example warm and responsive connections with a teacher and friends help children to feel accepted in the school (Rutter, 1987; Geary, 1988; Coburn & Nelson 1989). Furthermore, schools that have clearly defined, consistently enforced rules, standards and responsibilities provide a secure environment for children, who may otherwise be experiencing life adversities like interparental conflicts, death in a parent or

siblings or marginalization. In a recent study, positive relations in school context were reported as the most salient protective factor for juvenile delinquency (Simoes, Matos, & Batista-Foguet, 2008). Thus, the researcher wonders, did Beng have positive school experiences to help him to break out of the vicious cycle? The researcher also wonders, do all resilient delinquents also have positive school experiences and positive relationship with school teachers and friends.

Thus, this research aims to shed light on how resilient male delinquents adapted and locate the protective factors. Hopefully, findings from this research can be used to address intervention programs that are resilience orientated to bring down the alarming statistics on male juvenile offenders in Penang as well as the general Malaysian society.

#### **1.4 Rationale of Study**

Much of the earlier literature examined resilience in at-risk population by focusing on the risk factors that contributed to the problem behaviours (Smokowski, 1998). However, the mere knowledge that juvenile delinquency is caused by his residence in a disadvantaged and violent neighborhood, poverty or has a history of abuse is insufficient for researchers and practitioners to develop an effective intervention program (McKnight & Loper, 2002). This is because these risk factors are not easily amenable to change in intervention programs without considerable political clout, influence and enormous financial resources (McKnight & Loper, 2002).

On the other hand, recent researches indicated that intervention programs that focused on the development of resilience are most effective when dealing with at-risk children (Carr & Vandiver, 2001; Lösel & Bender, 2003). Thus, the rationale for

carrying out this research lies in the interesting outcomes reported in this resilience guided researches that protective factors are able to protect against many types of negative outcomes for adolescents, including delinquency (Ball, Armistead, & Austin, 2003; Resnick et al., 2004).

Building upon factors emanating from a resiliency framework, some of the most commonly cited cross-cutting protective factors include a strong sense of connectedness to parents, family, school, adults outside of the family, social competence and individual factors (Resnick et al., 1997). Although juvenile delinquents can be shielded from adversity by a myriad of protective factors, this research focuses largely on two main protective factors namely the individual factor and school (contextual factor). The rationale of focusing on individual factor lies in the well documented findings in the literature that much of the theoretical and research work viewed resilience as a quality of the individual (Anthony, 2008; Fraser, 2004). For example, findings in the research literature indicate that children with positive emotions are more resilient to adversity (Folkman & Moskowitz, 2000; Fredrickson, 2001). Findings in the research literature also revealed that school connectedness is especially important to adolescents who experience adversity in their home (Perkins & Jones, 2004) because school may be one of few contexts where such adolescents' achievements are recognized and celebrated (Corburn & Nelson, 1989). Success in school can also be a protective factor against delinquency (Resnick et al., 2004). As such, the rationale of focusing on school (contextual factor) lies in these interesting research findings. Furthermore, the researcher of this research is currently pursuing a Master Degree in the School of Educational Studies, Universiti Sains Malaysia and is hopeful to contribute to educators, academician and

school counselors who are working with Malaysian juvenile delinquents and students at-risk.

Even though other protective factors, for example family factor, religiosity or neighborhood are not listed as the main focuses, but these protective factors will be discussed in the result chapter if they are brought up by the research participants.

## **1.5 Research Aim**

Protective factors lower the chance that an adolescent will engage in delinquency (Christle, Jolivette, & Nelson, 2005). Jessor (1992) has suggested that protective factors provide the adolescent strength to avoid delinquency in life. According the research conducted in Anglo-American society, these protective factors include religious beliefs (Kass, 1998), high self-esteem (Bernard, 2004), and social control support and authoritative parenting (Smith & Stern, 1997). However, due to the scarcity of research and literature on resilience in incarcerated juvenile delinquents in the Malaysian context, it is difficult to draw definitive conclusions about which protective factor is most suitable as deterrent of delinquent behavior among Malaysian adolescents.

Hence, the aim of this research is to identify the protective factors in male juvenile delinquents incarcerated in one of the probation hostel in Penang and use them as knowledge base to construct a profile. Hopefully this protective factors profile will be able to assist those who are working with Malaysian juvenile delinquents and adolescents at-risk, such as school counsellors, educators, policymakers and family counsellors to promote and develop positive characteristics, attitudes and behaviours that can prevent such delinquency.

## **1.6 Research Objective**

The objectives of this research are:

1. To explore how do incarcerated male adolescents manage to have positive attitude given the stigma of juvenile delinquents in Malaysian society.
2. To study the role of the resilient individual himself in the development of resiliency.
3. To study how school (contextual factor) promotes resiliency in incarcerated male juvenile delinquents.

## **1.7 Research questions**

Several research questions were formulated.

1. How do incarcerated male adolescents manage to have positive attitude given the stigma of juvenile delinquents in our society?
2. What role does the resilient individual himself play in the development of resilience?
  - 2.1 Are resilient individuals more likely to employ adaptive coping strategies or always in denial or behavioral avoidance?
3. How does school (contextual factor) promote resiliency in incarcerated male juvenile delinquents?
  - 3.1 How does the availability of a helpful mentor in school help to promote resiliency in students?



## **1.8 Definition of Key Terms**

### **1.8.1 Delinquency**

From the theoretical perspective, delinquency refers to an act that violates the law and social norms of Malaysia such as possession of dangerous drugs, firearms, kidnapping and murder (Child Act, 2001). The term juvenile delinquency refers to participation in illegal behavior by individual younger than twenty one years of age (Child Act, 2001). As such, these individuals will be termed as juvenile delinquents.

In this research, a juvenile delinquent refers to a child older than ten years of age but below twenty one years of age who violates the law and social norms of Malaysia. Identification of juvenile delinquents as this research's subjects will be conducted by the selected research probation hostel warden, officer and administrator based on an inclusion criteria and a set of guidelines. Discussion of these inclusion criteria and guidelines can be found in Chapter 3, section 3.4.1.

### **1.8.2 Incarcerate**

From a theoretical perspective, incarcerate means to put or keep someone behind bars or in a place used as a prison (Murray & Farrington, 2008).

In this research, the term incarcerate refers to the confinement of a juvenile delinquent accused or convicted of any illegal behavior. The duration of incarceration ordered by the Court for Children for the participants in this research is 12 months.

### **1.8.3 Resilience**

From the theoretical perspective, the term resilience refers to the ability to demonstrate successful adaptation and to bounce back from adversity (Everall, Altrows, & Paulson, 2006). Hence, an individual who possesses this ability is termed as being resilient (Masten, 2001).

In the context of the current study, resilience is defined as the ability to adapt positively given the stigma of juvenile delinquent in society. The identification of resilient individual in this research will be done base on a guide (refer guide 3.1).

### **1.8.4 Risk Factor**

From the theoretical perspective, the term risk factor refers to any event, condition or experience that increases the probability that juvenile delinquency will be formed, maintained or exacerbated (Fraser & Terzian, 2005).

In this study, risk factors are defined as individual and socio-cultural conditions that increase the onset of juvenile delinquency. Identification of risk factors in the lives of juvenile delinquents for this research was done via a one-to-one semi-structured interview between the researcher and juvenile delinquent using a semi-structured interview guide (refer Appendix C).

### **1.8.5 Protective Factor**

From the theoretical perspective, protective factor refers to any circumstance or resource that minimizes the impact of risk and contributes to growth-orientated developmental outcomes (Fraser & Terzian, 2005).

Protective factors in this research are those individual, family, school and community factors that help to promote positive personal assests, protect the juvenile delinquent from potential negative effects of the risk factors and develop resilience in the adolescent to reduce the onset of juvenile delinquency. Identification of protective factors in the lives of juvenile delinquents for this research was done via a one-to-one semi-structured interview between the researcher and juvenile delinquent using a semi-structured interview guide (refer Appendix C).

## **1.9 Contribution of the Present Study**

Children are our future. Instead of growing to be productive citizens these juvenile delinquents and young criminals impose significant costs on society in terms of social resources and cause non-monetary pain to their victims (Cohen, Miller, & Rossman, 1994). This research seeks to understand and identify the protective factors present in our society's resilient juvenile delinquents and use them as knowledge base for resilience focused intervention programs. Studies of juvenile delinquency in the perspective of resilience is still very scarce in our country; mostly in Anglo-American countries; leaving a knowledge gap in this aspect for our country. Thus, this research also seeks to address this knowledge gap. Studies had found little or no positive outcomes for punishment-oriented intervention methods (Lipsey, Wilson, & Cothorn, 2000). The increasing trend of children placed in prisons and in the Henry

Gurney School located all over Malaysia from 2004 to 2012 as per statistics provided by the Prison Department of Malaysia as well as the increasing trend recorded for children placed in probation hostels under the Department of Social Welfare from 2004 to 2012 (Ahmad, 2013) affirm the need to move beyond our current practice of keeping the juveniles behind cold wall. Also, the punishment-oriented camp primarily promotes incapacitation even with the lack of evidence for its financial and social practicality (Greenwood, 2006). On the contrary, successful outcomes were reported in other communities for resilience research based rehabilitation and intervention programs (Howard & Johnson, 2000; Greenwood, 2006; Greenwood et al., 2003). In the long run, this resilience focused method will not only save young lives from being wasted but will also prevent the onset of adult criminal careers and at the same time reduce burden of crime on its victims and society and save taxpayers money primarily in the form of reduced spending in prison and rehabilitation centers.

## **2.0 Significance of study**

This research, using a phenomenological approach seeks not only to identify protective factors but also focuses on trying to understand the underlying protective processes that contributed to resilience in juvenile delinquents from the perspective of juvenile delinquents themselves. As such, this research will, hopefully, provide better understanding and gain valuable insights into Penang male juvenile delinquents' resilience development and eliminate the taken-for-granted assumptions as well as contribute to the knowledge pool regarding resilience in Penang male juvenile delinquents.

One of the objectives of the present study was to explore the protective factors in the resilient juvenile delinquent himself. Identified protective factors from this individual domain such as good social skills, realistic sense of purpose, good self-regulation, capacity for nurturance and ability to manage matters of fundamental importance, hopefully can be used as a knowledge base by family counsellors, school counsellors, educators and policymakers to promote and develop the related positive personal assets in other juvenile delinquents to reduce recidivism and adolescent at-risk to prevent the onset of juvenile delinquency.

Noteworthy findings from this research concerning internalized spirituality extend existing knowledge on resilience as existing literature does not address resilience from the perspective of internalized spirituality. Besides, one interesting notion made in this research is the presence of a non-punitive and warm grandmother who had positive influence on delinquents' ability to deal with adversities and indirectly become empowered to overcome them. The role of a non-parental figure; namely grandmother is still largely under-researched in the resilience literature. Hence, hopefully this finding will act as a knowledge base for family counsellors and policymakers.

From the school domain, this research noted that the presence of a caring and supportive educator-student relationship helped to create a foundation for trust and subsequently served as a base for healthy, positive future development. On the contrary, "pushing-out" school discipline practices such as harsh punishment, yelling and expulsion were detrimental to the development of psychological resilience in students. Hence, these findings affirm the need to move beyond the punishment-oriented policies and adopt resilience focused method.

## **2.1 Limitation of study**

Along with the benefits and contributions of this research also come several limitations. A sobering problem in this research, however, lies in the time constraint. Time may not be adequate to explore all types of protective factors. Hence, this research will focus mainly on two protective factors, namely individual factor and school, contextual factor.

Also, due to time constraint as well as financial constraint limitation, the researcher decided to narrow the study to a single probation hostel only, Penang male probation hostel. Hence, the findings from this research may not be able to generalize to the female subpopulation. However, the conclusions drawn from this research could be used as the knowledge base for other related studies.

Third, this study is limited by the fact that the researcher is just a bilingual; fluent only in English and Bahasa Malaysia. Hence, the inputs and perspectives are limited to research participants that are able to speak English or Bahasa Malaysia only. Valuable inputs from research participants that only speak Chinese or Tamil, for example, are regrettably not included. Even though, recruitment of translator and on-site interviewer can be arranged, but the researcher still prefers to conduct the on-site semi-structured interview with the research participants herself and act as the moderator during the translation process. Agreeing with Miles and Huberman (1984, p. 69), ‘memoing’ or ‘researcher’s field notes recording what the researcher hears, sees, experiences and thinks in the course of collecting and reflecting on the process is an important data source in qualitative research. Hence, these involvements will hopefully enhance the data analysis in later stage.

Finally, this research may suffer from limitation of incomplete data from research participants. In order to avoid shame and embarrassment, the research participants may not divulge their entire experience to the researcher. However, this research attempted to reduce this type of inaccuracy by omitting sensitive questions.

## **2.2 Conclusion**

Risk factors to juvenile delinquency can be broadly defined as anything that elevates the probability that a person will engage in offending behavior. However, this research is more interested to study the influences that may provide a buffer between the presence of risk factors and the onset of delinquent behavior. These buffers are referred as protective factors and sometimes explained as the antonym of risk factors. For example, dysfunctional family environment is a risk factor whereas healthy family environment acts as a protective factor. Hence, this research strives to understand why siblings from the same dysfunctional family do not have the same courses of development, one in the direction of delinquency whereas the other in a more prosocial direction.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

In accordance to the major components of ecology of human development (Bronfenbrenner, 1979; Germain, 1979; 1986; Fraser, 2004), this research views juvenile delinquency in a comprehensive manner. According to the social ecological framework (Tolan, Guerra, & Kendall, 1995; Gorman-Smith, Tolan, & Henry, 2000), delinquency is an adaptive outcome of the social environment of the child. Behavioral patterns develop through interaction between the child and social institutions in the child's social ecology; namely family, school and community (Hawkins, 1995). The concepts of positive development in a child under the social ecological framework require the knowledge of resilience, risk and protective factors. As such, these terms will be discussed below along with the theories that this research subscribe.

The first part of this chapter discusses on juvenile delinquency in Malaysia, resilience, risk factors of juvenile delinquency and protective factors for juvenile delinquents. Subsequently, the second part discusses the theoretical and conceptual frameworks.

#### **2.2 Juvenile Delinquency in Malaysia**

Malaysia comprises of citizens from different ethnics and cultural backgrounds. The three main races in Malaysia are Malay, Chinese and Indians. Hence, the religiosity among these races is different although some may share similar culture identity. For example, Malays who are Muslims are not only bound by the



civil law but will also be judged by the *Syariah* law for behaviours that are against their religion; namely; consumption of alcoholic drinks, not fasting during the fasting month, close proximity and improper dressing. Chinese, Indian and other races are not entitled to the *Syariah* law unless they have converted to Islam (The Commissioner of Law Revision, Malaysia, 2006).

From the legal point of view there are various definitions of juveniles depending on their group and age. According to the Prison Act 1995, a juvenile or a young offender is defined as “a prisoner who is under the age of 21 years” (Prison Act, p.7). The Child Act 2001 defines a child as “a person under the age of 18 years and below” and the age of criminal responsibility at the age of ten (Child Act 2001, p.15). The Children and Young Persons Employment Act 1966 defines a child as a person aged between 10 and 14 years, and a young person as one aged between 14 and 16 years. Thus, from the legal point of view, the definition for juveniles can be concluded as a group of adolescents under the age of 21 years and who have criminal responsibility at the age of 10 years. In short, the working definition of juvenile delinquent is a child under the age of 21 years old that had violated the Malaysian Civil law. This research focuses on adolescent aged between 13 to 18 years old; corresponding to Malaysian Secondary School students’ year group.

Examples of illegal acts or delinquency regardless of age are possession of dangerous drugs, firearms, kidnapping and murder (Child Act, 2001). However, there are some illegal actions which apply only to individuals under the age of 18 such as truancy and running away from home (Child Act, 2001). For the purpose of this study, delinquent behaviours are offences other than the following, committed by adolescent between the age of 13 and 18:

- Any grave crime;
- Voluntarily causing grievous hurt, rape, incest or outraging modesty;
- or
- An offence under section 377B (Punishment for committing carnal intercourse against the order of nature), 377C (Committing carnal intercourse against the order of nature without consent), 377D (Outrages on decency) or 377E (Inciting a child to an act of gross indency) of the Penal Code.

(Child Act 2001, p.92; Penal Code, p.148)

Hence, due to these less grave crimes like truancy, repeated late night loitering, running away from home and group motor biking, the Court for Children ordered these adolescents to be sent to a probation hostel. Probation hostels are places of detention for children above ten years of age but not exceeding eighteen years of age (Child Act, 2001).

On the other hand, if a child is found guilty of committing serious offences and the child is above fourteen years of age, the Court for Children will order the child to be sent to Henry Gurney School (Child Act, 2001). Similarly, Henry Gurney Schools are also places of detention for children. However, they are for children above fourteen years of age but not exceeding twenty one years of age (Child Act, 2001).

Malaysia has made substantial investments in education to nurture the talents, energy and creativity of its adolescents to contribute to nation building. The overall attendance numbers for secondary school in 2012 are 2,327,530 students as compared to enrolments for primary school of 2,998,400 (Refer Table 2.1) (Ministry of Education, 2014). Out of these attendance numbers, there was an alarming 59,800 cases of misconduct by students; comprising of approximately 1.1 % of the total

Table 2.1

*Number of Students in Government and Government-aided Primary and Secondary Schools in Malaysia, 2012.*

	Total	Male	Female
Primary school	2,998,400	1,539,983	1,458,417
Secondary school	2,327,530	1,151,660	1,175,870
Total in Malaysia	5,325,930	2,691,643	2,634,287

Source: Ministry of Education Malaysia, 2014

enrolment in 2012 (Ministry of Education, 2014). Out of these students' misconducts, The Royal Malaysian Police had recorded a total of 5,316 juvenile cases (Department of Social Welfare, Malaysia, 2014).

Every year, the government of Malaysia will spend approximately 20% of the national budget on education; demonstrating a commitment to children's right to education and welfare. All Malaysian children up to the age of 15 in lower secondary school continuing up to 19 years of age for middle and upper secondary school are provided free compulsory education by Malaysian government.

Sadly, there are a number of social problems associated with students, ranging from addiction to tobacco smoking, illegal drug use, alcohol drinking, rape, prostitution and many other deviant activities. Some of these deviant activities had led these students to be confirmed HIV carriers.

According to surveillance data (as of end 2013) Malaysia had a cumulative number of 101,672 HIV, 20,235 AIDS cases and 16,340 deaths related to HIV/AIDS, thus giving reported number of people living with HIV of 85,332 cases (Malaysian AIDS Council, 2014). Sadly, about 34.3% of reported infections are amongst young

people aged between 13-29 years old and approximately 1% amongst less than 13 years old in 2013 (Malaysian AIDS Council, 2014).

Serious offenses such as stealing, robbery, substance abuse, rape and weapon possession are listed under the Penal Code Law. For such offenses, the Prison Department of Malaysia detains juveniles aged between 14 and 21 years in prison as young prisoners or in Henry Gurney School (approved school) as students. Henry Gurney Schools train the juveniles for return to the community. The juveniles have maximum supervision and participate in vocational training, agricultural work, religious instruction, academic and physical education, recreation, sports and counseling. Inmates progress through a series of ratings based on their conduct and work. A period of home leave precedes release (Sekolah Henry Gurney, Malaysia, 2014). Detention at Henry Gurney School for juveniles is like a home where they practice discipline and being observed every moment.

For less serious offense (gangsterism, illegal and dangerous group motor-biking activities, cigarette smoking and vandalism), adolescents will be incarcerated in probation hostel. Probation hostel is a correctional body in the criminal justice system. Generally, the probation hostel is:

- To rehabilitate the adolescents so that they may regain their self-respect and self-identity and thus, eventually return to their community as law-abiding and socially productive citizens
- To provide a secure, orderly and humane treatment environment for adolescents in department custody

- To effectuate judicial decisions by holding adolescents in custody until their actual time of release
- To protect the public by segregating the adolescents from the community as ordered by the courts

There has been a growing concern over the steady rise in crimes involving juveniles during recent years in Malaysia. Juvenile offenses include committing various offenses in connection with theft, with respect to people, sex offense conviction, violation of detention ordinance, gambling, violation of municipal by-laws and traffic regulation and others (Yahaya & Yow, 2003). Of late, the Malaysian media were awash with stories of youth involving in rape, drug abuse, robbery and even murder (New Straits Times Online, 2014; Star Online, 2014; New Straits Times Online, 2012; Star Online, 2012; The Borneo Post Online, 2011; Star Online, 2011).

According to the crime indices measured by Malaysian Royal Police (2014), there was an increase in the overall crime rate indices from 746 cases of crimes reported per every 100,000 citizen in year 2006 to 767 in year 2007. Statistics from the Royal Malaysian Police (2014) showed that from January to February 2008, there were a total of 233 students aged between 13 and 18 reported to be involved in criminal cases. According to this statistics, the most popular criminal act was motorcycle theft (91 cases), followed by stealing (65 cases), burglary (40 cases) and rape (37 cases). Rape, juvenile sex offenders and youth with sexually abusive behavior are growing national concern.

Up to August 2010, the police have recorded a total of 860 violent crimes by juvenile offenders. The most worrying issue is the increment in the average amount

Table 2.2

*Number of Juvenile Offenders by State, Malaysia for Year 2011 and 2012*

State	Total		First offence		Repeated Offence	
	2011	2012	2011	2012	2011	2012
Malaysia	4,801	5,316	4,375	4,939	426	377
Johor	534	806	521	747	13	59
Kedah	718	781	718	752	-	29
Kelantan	161	346	158	318	3	28
Melaka	208	317	198	295	10	22
Negeri Sembilan	292	370	282	331	10	39
Pahang	324	328	304	306	20	22
Perak	324	297	295	285	29	12
Perlis	110	15	110	15	-	-
Pulau Pinang	201	330	186	308	15	22
Sabah	439	562	414	517	25	45
Sarawak	148	65	148	64	-	1
Selangor	579	557	579	516	-	41
Terengganu	404	155	387	142	17	13
W.P Kuala Lumpur	304	337	25	301	279	36
W.P Labuan	18	27	17	22	1	5
W.P Putrajaya	37	23	33	20	4	3

Source: Department of Social Welfare, Malaysia, 2014

of cases caught per day, which used to be 8 in 2002, increased to 17 in 2009 and reached 12 in the end of the third quarter of 2010 (Department of Social Welfare, Malaysia, 2014).